

Application No. 09/061,441  
Response dated December 15, 2003  
Reply to Office Action of 08/13/2003

### REMARKS

Responsive to the requirement for restriction, applicant elects to have the invention of Group II comprising claims 35-42 examined.

The claims previously in Group I have been amended, and as now presented are respectfully submitted not to be subject to restriction relative to the Group II claims. Referring to MPEP 806.01, in passing on a restriction requirement the claimed subject matter must be compared.

### Comparison of Elected Claim 35 and Claim 44

#### Elected Claim 35

Claim 35 (currently amended): In a communications system, diversity architecture receiving circuitry having first and second signal receiving paths,

wherein for a given incoming radio signal, the first and second receiving paths are respectively selectable to provide respective different signal processing characteristics for the given incoming radio signal, and

wherein the first signal receiving path when activated in a first receiving mode has different circuit components for processing the received signal than the circuit components of the second signal receiving path when activated in a second receiving mode.

#### Claim 44

Claim 44 (previously presented): In a communications system, diversity architecture receiving circuitry having first and second signal receiving paths,

wherein for a given incoming radio signal, the first and second receiving paths are respectively selectable to provide respective different signal processing characteristics for the given incoming radio signal.

Application No. 09/061,441  
Response dated December 15, 2003  
Reply to Office Action of 08/13/2003

It will be observed that claim 44 is merely broader than claim 35 since claim 44 omits the last clause of claim 35, and that the last clause of claim 35 merely further defines the first and second signal receiving paths. It appears that the claims 35 and 44 are drawn to the same subcombination, and accordingly it appears that no reason for restriction with respect to these claims has been given.

Elected claim 42 is supported for example by FIG. 8, which also supports claim 21. Both elected claim 42 and claim 21 apply to FIG. 8 where an amplifier component is lacking in the signal path between the second antenna 268 and the selector 276. Thus there seems to be no basis for arguing that elected claim 42 has separate utility in comparison to claim 21.

It does not appear that either elected claims 35-39, 41 and 42, or the claims 18-24, 31-34, 43 and 44 as now presented are "drawn to transmitter and receiver at the same station" as alleged for claims 35-42 at Page 2 of the Official Action, lines 4 and 5 of Section 1. In claims 18-24, 31-34, and 43, the reference to a "transceiver" in the heading has been eliminated, and all the claims have been amended so as to have a heading the same as elected claims 35 and 36; accordingly per MPEP 806.01 the original elected claims 35 and 36, and present claims 18-24, 31-34, and 43 cannot be differentiated on the basis that claims 35 and 36 somehow include a transmitter. Applicant proposes to add a claim similar to elected dependent claim 40, to any one of claims 18-24, 31-34, 43 and 44, e.g. as has been done with dependent claim 45 based on claim 44, rather than to be subjected to the extraordinary expense of filing a divisional application because of the presence of only one dependent claim which includes a transmitter.

Application No. 09/061,441  
Response dated December 15, 2003  
Reply to Office Action of 08/13/2003

**GENERAL AUTHORIZATION UNDER 37 CFR 1.136(a)(3)**

The Patent and Trademark Office is hereby authorized to treat this or any future reply, requiring a petition for an extension of time, as incorporating a petition for extension of time for the appropriate length of time.

The Patent and Trademark Office is hereby authorized to charge fees under 37 CFR 1.17 to deposit account 14-1190.

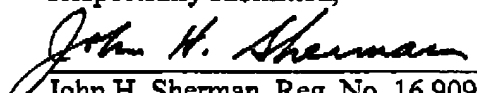
**Payment of Extra Claim Fees**

The Patent and Trademark Office is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 to Deposit Account 14-1190; a Fee Transmittal form is enclosed for payment of the extra claim fee for new claim 45.

**CONCLUSION**

In view of the foregoing amendments, a Notice of Allowance of all of the claims as now presented is courteously solicited.

Respectfully submitted,

  
John H. Sherman, Reg. No. 16,909  
Attorney of Record

John H. Sherman  
c/o Legal Department  
Intermec Technologies Corporation  
550 Second Street S.E.  
Cedar Rapids, IA 52401  
Phone: 319/369-3661

Enclosures: Fee Transmittal Form for Payment of the Additional Claim Fee